

## **BUREAU OF WASTE MANAGEMENT**

The Bureau of Waste Management functions to ensure safe management of hazardous and solid waste and prevention of catastrophic accidents involving highly hazardous chemicals. Three regulatory programs with distinct funding and authority are included in the Bureau: the hazardous waste management program; the solid waste management and recycling program; and the chemical accident prevent program.

Authority to regulate the management of hazardous waste was established by NRS 459.400 to 459.600 and Subtitle C of the federal Resource Conservation and Recovery Act (RCRA). The Division of Environmental Protection is fully authorized by the United States Environmental Protection Agency (U.S.E.P.A.) to implement and enforce standards established under the authority of RCRA Subtitle C. Hazardous waste is managed from cradle to grave by regulating generators, transporters and facilities that treat, store, dispose or recycle hazardous waste. The bureau maintains a contract with the Business Environmental Program, Small Business Development Center, University of Nevada, Reno, to assist with compliance issues involving hazardous waste regulations. This assistance is free and includes a toll-free hotline (1-800-882-3233), seminars, publications and on-site audits. The program also provides technical assistance to help businesses reduce the amount of waste they generate.

The Solid Waste Management and Recycling Program was established under the authority of NRS 444.440 to 444.645, NRS 444A.010 to 444A.110 and federal Subtitle D of RCRA. The Division received approval for its solid waste program from the U.S.E.P.A. and implements the requirements adopted under the authority of RCRA Subtitle D. Municipal landfills are regulated to ensure waste is properly contained and that water resources are protected. Solid waste regulations are enforced and implemented by the designated solid waste management authority. The Clark County Health District and the Washoe County District Health Department are the solid waste management authorities in Clark and Washoe counties, respectively. The Bureau of Waste Management (BWM) within the Division of Environmental Protection is the solid waste management authority for the remainder of the state. The State Environmental Commission on December 16, 1999, adopted Petition #2000-02 (LCB File #LCB R-173-99) which established standards for the design, operation, closure and financial assurance for solid waste materials recovery facilities. The Bureau should be contacted for information on this business process. To encourage the reduction of waste and recycling, a toll-free recycling hotline is available to the public at 1-800-597-5865, information is distributed upon request, public workshops and seminars are held, and grant funds for recycling projects are awarded on a competitive basis biennially.

The Chemical Accident Prevention Program (CAPP), established pursuant to NRS 459.380 through 459.3874, regulates facilities that produce, use, store or handle designated quantities of highly hazardous substances. The purpose of the CAP Program is to require facilities to identify the hazards associated with handling highly hazardous substances present in their facilities and to commit to mitigating those hazards. The CAPP has also adopted regulations to implement the Federal Risk Management Program (RMP), promulgated under Section 112(r) of the Clean Air Act. The CAPP has applied for delegation of authority from EPA to implement the RMP program. In addition, the 1999 state legislature expanded the CAP program to include manufacturers of explosives and require new facilities to obtain permits to construct and commence operations.

**Statutory Authority:** NRS 444.440 through 444.645  
NRS 444A.010-444A.110  
NRS 459.380-459.3874 (CAPP)  
NRS 459.400-459.600

**Employees:** 24 FTE

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**Recycling Hotline:** 1-800-897-5865

## **REGULATORY FUNCTIONS**

### ***Permits***

#### **A. Permit to Operate a Solid Waste Disposal Site**

**Authority:** NAC 444.6405 through NAC 444.7499

**When**

**Required:** Prior to the construction of any solid waste disposal site a permit must be obtained from the appropriate solid waste management authority. In addition, prior approval by the Bureau of Waste Management is required before operating a transfer station, composting facility, salvage yard, or solid waste processing facility.

**Approximate  
Time to**

**Obtain:** 180 days, including 45 days for a completeness review and public notice.

**Duration of  
Permit:**

Issued for the life of the design of the disposal site.

The permit may be modified by the solid waste management authority if the statutes or regulations change or if a change is necessary to protect human health, safety and the environment. The permit may also be modified upon request of the owner/operator.

Such modification would require public notice. The permit revoked or suspended by the solid waste management authority if the terms of the permit are not met.

The permit may be transferred if the solid waste management authority approves based on documentation of the financial responsibility of the new owner or operator.

**Fees:** None

**Information**

**Required:** Landfills are permitted as Class I (more than 20 tons per day and not a Class III industrial waste site), Class II (under 20 tons per day) or Class III (industrial waste solid waste) , depending on the type and volume of material to be disposed. The bureau's application forms request specific information and supporting documents. The following must be included: the name, location and mailing address of the site, of the owner of the site, of the operator of the site, and of the authorized agent of the owner;

proof of ownership of the site; design information; operation and maintenance plans consistent with the regulations; an environmental monitoring plan; closure/post closure plans; financial assurance; and, for industrial waste landfills, a waste characterization plan.

**Public Notice:** Yes. Public review period of 30 days.

**Reporting  
Required:**

Quarterly reports must be submitted to the division on the amount of solid waste received at the site.

**Comments:**

Applications for permits for disposal sites must be submitted 180 days prior to construction. Permits and approvals from the solid waste management authority are primarily for disposal, processing and treatment. Other aspects of solid waste handling (collection, storage and transportation) are generally addressed through local ordinances.

Incinerators and waste composting facilities dealing with municipal waste are considered disposal sites. Special wastes such as sewage sludge, septic tank pumpings, medical waste, waste tires and waste oils may be disposed of with the approval of the solid waste management authority.

Transfer stations and salvage yards as well as some incinerators and some composting facilities do not need a permit, but appropriate information must be submitted so that the activity may get the required approval from the solid waste management authority before it is begun. No fees or expiration dates apply for approvals.

Periodic inspections by the solid waste management authority or its representative are conducted. Landfills must address: detecting and preventing the disposal of regulated hazardous waste and PCB waste, and controlling explosive gas.

**B. Hazardous Waste Management Permit**

**Authority:** NAC 444.842 through 444.8746

**When**

**Required:**

Prior to undertaking any activity constituting treatment, storage and/or disposal of hazardous waste, a facility must obtain a hazardous waste management permit from the Bureau of Waste Management. In addition, recycling of hazardous waste requires a written determination from the bureau.

**Approximate  
Time to**

**Obtain:**

The time to obtain this permit depends on the completeness of the application and the complexity of the facility. Permits take a minimum of six months to issue and may take two years or more.

**Duration of  
Permit:**

5 years from the date of issue.

**Fees:**

Fees are levied for: application for a written determination of recycling; permit application review and processing; and modification, termination or reissuance of an existing permit. Annual service fees also apply as do additional fees to offset the costs of inspection and other regulations. See NAC 444.8446, 444.8447, 444.845, 444.8452, 444.846, 444.8448, 444.8474 and 444.8696.

**Information**

**Required:** Prior to application for the permit, an application must be made for a certificate of designation. **If the application for a certificate of designation is approved, the business is authorized to submit a permit application.**

The permit application is federal in origin (named a RCRA permit application or TSDF permit); a copy can be obtained from the bureau. The application is divided into Part A (specified in 40 CFR Section 270.13), which requests basic business and general facility information and Part B (delineated by 40 CFR Section 270.14 through 40 CFR 270.26), which requests detailed facility and process information.

**Public Notice:** Required

**Reporting**

**Required:** At least once every two years, but possibly more frequently depending on the discretion of the bureau.

**Comments:** 40 CFR Sections 264 and 265 were adopted by NAC 444.8632 to regulate treatment, storage and disposal facilities under a RCRA permit. Proposed facilities must meet the applicable location standards as delineated in NAC 444.8456 and obtain a certificate of designation from the division before submission of the application.

Approval from the local governmental unit is also necessary: a special use permit may be necessary. All other necessary permits must be obtained, e.g., those for air emissions.

The bureau evaluates the application for completeness and then reviews it from a technical prospective. When all requirements are met to the satisfaction of the bureau, a permit is drafted and a copy sent to both the applicant and to the U.S. E.P.A.

After public notice, the draft is revised, if necessary, to incorporate all appropriate comments from the applicant, EPA and the public. The permit is then issued.

The division is authorized to inspect, with or without notification, any operation to ensure that the conditions of the permit are met.

**C. Waste Tire Management Facility Permit**

**Authority:** NAC 444A.200- 444A.470

**When**

**Required:** Prior to a facility's accepting waste tires for processing, recycling or use as a fuel.

**Approximate  
Time to**

**Obtain:** 6 months. Application for renewal must be submitted at least 120 days before the valid permit expires.

**Duration of  
Permit:**

5 years

**Fees:** Not applicable, see NRS 444A.090 for applicable tax of \$1 per retailed tire that is sold.

**Information**

**Required:** A bureau-prescribed application must be completed and submitted to the division. Information requested includes: basic facility details, a plan of operation, a facility plan, an estimate of the number of passenger tire equivalents the facility will receive each year, a description of the final use for the tires, proof of compliance with any applicable ordinances, proof of compliance with any applicable requirements of the local fire authority; and a copy of a plan to demonstrate financial assurance.

**Public Notice:** Required

**Reporting**

**Required:** Reporting required annually, not later than March 1 of each year. The report must be submitted on a bureau-generated form.

**Comments:** Records (including copies of manifests, the names and registration numbers of haulers of waste tires who transport to and from the facility, the origin of each shipment and a copy of the plan for financial assurance) must be kept at the facility for inspection by the solid waste management authority during business hours. The solid waste management authority shall inspect the facility after it receives notification that closure has been completed. Closure of a waste tire management facility must follow bureau-approved procedures.

**D. Permits to Construct and Commence Operation (Chemical Accident Prevention Program)**

**Comments:** The passage of Assembly Bill 536 in the 1999 Legislative session requires new facilities to obtain permits to construct and commerce operations. This bill is effective January 1, 2000. These regulations will establish the requirements for the permitting program.

### ***Registrations***

**A. Registration with the Chemical Accident Prevention Program**

**Authority:** NAC 459.952-459.95528

**When**

**Required:** All facilities in Nevada that produce, use, handle or store designated quantities of highly hazardous substances or those facilities that manufacture explosives for resale must register annually by June 21st, or for a new facility, must register at least 90 days prior to having the highly hazardous substance or explosive on site. See NAC 459.9533 for the list of regulated substances for Tier A and Tier B thresholds.

**Approximate**

**Time to Obtain:** Registration is effective upon receipt by the division of the registration materials.

**Duration of**

**Registration:** 1 year

**Fees:** There is no registration fee, but an annual facility fee applies. The annual fee, due July 31 of each year depends upon the classification of the facility. Fees can range from \$250 for a small, remote operation, to in excess of \$20,000 for a large, complex operation in a densely populated area. See NAC 459.9452 for the fee schedule.

**Information****Required:**

The division has a standard form for registration. The information required includes: basic facility information; a list of explosives manufactured or the highly hazardous substances produced, used, stored or handled and the quantity of each; a description of accidental release, fire or explosion scenarios; a summary of facility accidents; and a summary of emergency response coordination.

**Public Notice:**

Not for the registration; however, the assessment report is subject to public notice and any modification to the proposed plan to abate hazards is subject to public notice.

**Reporting****Required:**

The facility must prepare and submit to the division an assessment report at least once every five years. The assessment report must identify hazards and present a mitigation plan and schedule to reduce the severity or likelihood of an accident.

In addition to the assessment report, the facility must submit an annual compliance report which provides a status of the mitigation plan.

**Comments:**

The qualifications of the assessment team conducting the *assessment* must be approved by the division to ensure that the team has a member familiar with a hazard analysis technique and that the team members collectively have a broad range of experience. An annual inspection is conducted by the division. Cold storage warehouses, water treatment plants, chemical production and supply companies and military bases are among the facilities registered. All forms, e.g., those for registration, assessment report and annual compliance report must contain certification. Administrative penalties may be assessed for failure to comply with the laws and regulations. Exemptions to this program have been granted to some activities, including agricultural uses of anhydrous ammonia and the transportation of highly hazardous substances regulated by the U.S. Department of Transportation.

**B. Waste Tire Hauler Registration****Authority:**

NAC 444A.200- 444A.270  
NAC 444A.440- 444A.470

**When****Required:**

14 days before beginning the hauling of waste tires

**Approximate  
Time to****Obtain:**

2 weeks

**Duration of  
Registration:**

5 years

**Fees:**

None

**Information**

**Required:** A bureau-generated application form must be completed. Requested information includes the license number and the name of the registered owner of the transporting vehicle.

**Public Notice:** Not required

**Reporting**

**Required:** Semi-annual reports must be submitted to the division which include specific required information, such as the registration number of the hauler, the type and quantity of waste tires collected and the destination of those tires as well as the names of the generators of the waste tires (or the premises from which the tires were collected).

**Comments:** A registration number is obtained from the solid waste management authority. The registration number must be displayed on the vehicle used to transport waste tires or material derived from waste tires. Registrations issued by one solid waste authority must be recognized by any other such authority. All other applicable requirements adopted by local governments must be met.

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## WASTE MANAGEMENT FEES AND AUTHORITIES

### FEE DESCRIPTION: Hazardous Waste Facility Application Fee Schedule

NRS AUTHORITY: 459.510      NAC AUTHORITY: 444.8446

CITATIONS: Fee for processing and review of certain applications; Amount; deposit; return of excess; exception concerning deposit for mobile unit for recycling of hazardous waste. (By NAC, last amended March 1994)

### DISCUSSION:

**NAC 444.8446 (1.c)** is a schedule of fees for hazardous waste facilities. See belows **Table 1** of this report. The Fee is unique since the applicant pays a lump sum and \$ 50.00 per hour of staff work to process and review the application is deducted. Fees run from \$ 10,000 to \$ 50,000. If the facility contains a landfill and incinerator then the fee is no more \$ 100,000.

**Table 1**

### NAC 444.8446 -- Hazardous Waste Facility Application Fees

Regulated Unit	Maximum Fee
Landfill, boiler, industrial furnace or incinerator	\$ 50,000
Treatment	\$ 50,000
Surface impounds, areas for thermal treatment, waste piles	\$ 25,000
Storage	\$ 25,000
Facility for recycling	\$ 10,000
Mobile unit for the recycling of hazardous waste	\$ 10,000

**FEE DESCRIPTION: Hazardous Waste Facility Emergency Permit**

NRS AUTHORITY: 459.510      NAC AUTHORITY: 444.8447

CITATIONS: Fees for emergency permit (by NAC, last amended May 1992)

**DISCUSSION:**

The hazardous waste facility emergency permit has a \$ 25.00 fee with a \$ 50.00 per hour staff time for processing and reviewing the application. The fee can be waived by Administrator for good cause shown.

**FEE DESCRIPTION: Hazardous Waste Facility Modification Fee**

NRS AUTHORITY: 459.510      NAC AUTHORITY: 444.8448

CITATIONS: Fees for modification, termination or reissuance of existing permit. (By NAC, last amended May 1992)

**DISCUSSION:**

NAC 444.8448 (1.a) has a \$ 25.00 minimum fee and an additional fee of \$ 50.00 per hour of staff time for processing and review of a Hazardous Waste Facility Modification application.

**FEE DESCRIPTION: Hazardous Waste Facility Annual Fee Schedule**

NRS AUTHORITY: 459.510      NAC AUTHORITY: 444.845

CITATIONS: Annual operating fee; penalty for unpaid fee. (By NAC, last amended March 1994)

**DISCUSSION:**

The Hazardous Waste Facility Annual Fee has a schedule of annual operating fees to regulate a variety of facilities. Fees run from \$ 500 to \$ 5,000. See **Table 2** for the fee schedule.

**Table 2**

**NAC 444.845 Hazardous Waste Facility Annual Operating Fee**

<b>Regulated Unit</b>	<b>Annual Operating Fee</b>
Landfills, incinerators, boilers, industrial furnaces	\$ 5,000
Surface impoundments, facilities for treatment of land, facilities for thermal destruction	\$ 1,000
Tanks, portable containers, waste piles, facilities for treatment or storage	\$ 500

**FEE DESCRIPTION: Hazardous Waste Facility Inspection & Other Fees**

NRS AUTHORITY: 459.510      NAC AUTHORITY: 444.8452

CITATIONS: Additional fees to offset cost of inspection and other regulation: Payment; accounting; penalty for unpaid fee. (By NAC, last amended January 1998 by petition 97006, LCB File No. R-107-97)

**DISCUSSION:**

NAC 444.8452 sets fees for the cost of inspection and the cost of other regulation. NAC 444.8452 (1.a) has a \$ 18.50 per ton fee for open burn, detonation, incineration; NAC 444.8452 (1.b) has a \$ 3.00 per ton fee for treatment or storage without disposal not to exceed \$ 10,000. Part 2.a & b. require quarterly payments. In part 2.d the treatment and subsequent disposal of a volume of hazardous waste that is treated so that it is not hazardous waste pursuant to NAC 444.843, the fee is \$3.00 per ton of the volume received by the facility.

**FEE DESCRIPTION: Hazardous Waste Facility State Owned Operator Fee**

NRS AUTHORITY: 459.510      NAC AUTHORITY: 444.846

CITATIONS: Fee for volume of hazardous waste received by facility for management of hazardous waste owned by state: Amount, payment; penalty; disposition. (By NAC, last amended January 1992)

**DISCUSSION:**

NAC 444.846(1) has a fee of 25 cents per cubic foot of hazardous waste received at the hazardous waste facility. The fee is to be paid quarterly. A penalty of 2 percent on unpaid balance per month. Funds are deposited in the fund for management of hazardous waste. The funds will be used for closure and perpetual care of the facility.

**FEE DESCRIPTION: Hazardous Waste Facility Variance Fee & Schedule**

NRS AUTHORITY: 459.548(3)      NAC AUTHORITY: 444.8474

CITATIONS: Fee for review of application: Amount; return of excess. (By NAC, last amended April 1990)

**DISCUSSION:**

NAC 444.8474 provides for a fee for variance review for a hazardous waste facility. NAC 444.8474 (1.a) has a \$ 50.00 per hour staff time with the cost of State Environmental Commission members travel, per diem, salaries to be included. NAC 444.8474 (2.a,b,c) provides variance fee schedule based on tonnage to be processed. See **Table 3** for variance schedule.

**Table 3**

**NAC 444.8474 Hazardous Waste Facility Variance Schedule Fees**

<b>Regulated Unit</b>	<b>Variance Fee</b>
Facilities handling less than 1,000 tons annually	\$ 5,000
Facilities handling more than 1,000 tons annually and less than 10,000 tons annually	\$ 10,000
Facilities handling more than 10,000 tons annually	\$ 20,000

**FEE DESCRIPTION: Hazardous Waste Disposal Variance**

NRS AUTHORITY: 459.548(3)    NAC AUTHORITY: 444.8696

CITATIONS: Fee for processing and review of application for variance (By NAC, last amended May 1992)

**DISCUSSION:**

NAC 444.8696 provides for a application for a hazardous waste facility variance to 40 CFR Parts 260, 264, & 268. NAC 444.8696 (1.a) has a \$ 50.00 per hour staff time for processing and review of the application, with a provision for State Environmental Commission member's travel, per diem, salaries to be paid. NAC 444.8696 (2.a,b,c) is a schedule based on tonnage to be processed by the facility. See **Table 4**.

**Table 4**

**NAC 444.8696 Hazardous Waste Facility Variance Schedule Fees**

<b>Regulated Unit</b>	<b>Variance Fee</b>
Facilities handling less than 1,000 tons annually	\$ 5,000
Facilities handling more than 1,000 tons annually and less than 10,000 tons annually	\$ 10,000
Facilities handling more than 10,000 tons annually	\$ 20,000

**FEE DESCRIPTION: Solid Waste Tire Recycling Fee Defined**

NRS AUTHORITY: 444A.090    NAC AUTHORITY: 444A.031

CITATIONS: Imposition and rate of fee; accounting for and disposition of money collected; powers and duties of department of taxation. (By NRS 444A.090, amended 1993)

DISCUSSION:

NRS 444A.090 establishes a fee of \$ 1 on the retail sale of a new tires. The fee does not apply to any tire included in the sale of a new or used vehicle. The funds are collected by the Nevada Department of Taxation. The fee is used to sustain the State's solid waste program.

**FEE DESCRIPTION: Highly Hazardous Substances Facility Annual Fee**

NRS AUTHORITY: 459.3824    NAC AUTHORITY: 459.9542

CITATIONS: Annual fees for regulated facilities: Payment; amount. (By NAC, last amended April 1999, see Petition 98007, LCB File No. R-121-98)

DISCUSSION:

NAC 459.9542 establishes the annual fee for facilities regulated by the Chemical Catastrophe Accident Prevention Program. The fees are based on Tier A and B, level 1, 2 and 3 facilities. The annual fee has a base annual fee of \$ 3,100 for Tier A and B, level 3 facilities. The annual fee for Tier B, level 2 is \$ 2,000. For facilities affecting only Tier B, level 1 the fee is \$ 250.

The second part of the fee is based on a graduated scale determined by multiplying the sum of all highly hazardous units for Tier A or B substances present at a facility by \$10.50 for the period July 1st to June 30th. The applicable chemical units are referenced in NRS 459.3816.

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